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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT SEATTLE

11 PUGET SOUNDKEEPER ALLIANCE,)
12 Plaintiff,) No. 2:22-cv-00848-TL
13 v.)
14 PACIFIC PILE & MARINE, L.P.,) DECLARATION OF SEAN DIXON
15 Defendant.) SUPPORTING PLAINTIFF'S MOTION
16 _____) FOR SUMMARY JUDGMENT

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18 I, Sean Dixon, declare the following on the basis of personal knowledge to which I am
19 competent to testify:

20 1. I am the Executive Director and Soundkeeper of Puget Soundkeeper Alliance
21 (Soundkeeper). I am also a member of Soundkeeper, and have been a member since 2021.
22 Soundkeeper is a 501(c)(3) non-profit organization with over 1,000 members who are concerned
23 about the health of Puget Sound and its watersheds.

24 2. Soundkeeper's mission is to protect and enhance the waters of Puget Sound,
25 including its tributaries, such as the Duwamish River, for the health and restoration of aquatic
26 ecosystems and the communities that depend on them. To accomplish its mission, Soundkeeper

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1 actively monitors Puget Sound pollution patrols via boat, kayak, bike, car, and on foot along with
 2 a network of volunteers whom we train to detect and report pollution. These include frequent
 3 patrols by Soundkeeper members and Duwamish Valley community partners throughout the
 4 Duwamish River watershed. Soundkeeper provides “how to spot” pollution training to members
 5 of the public, and shares information and accepts reports via the Water Reporter App.
 6 Soundkeeper actively engages government agencies and businesses working to regulate pollution
 7 discharges from sewage treatment plants, industrial facilities, construction sites, municipalities
 8 and others. Soundkeeper also actively enforces the Clean Water Act of 1972, using the power
 9 granted to citizens to sue under provisions of the Act, to stop illegal pollution and bring polluters
 10 into compliance with the law. Bringing citizen lawsuits is central to fulfilling Soundkeeper’s
 11 mission, and the organization has successfully brought numerous citizen lawsuits against Clean
 12 Water Act violators. For years, Soundkeeper has maintained a particular focus on polluted runoff
 13 because stormwater is one of the biggest sources of pollution - and the leading source of toxic
 14 pollutants - to Puget Sound. A substantial portion of Soundkeeper’s work has focused on the
 15 Duwamish River because of its dense industrial activity, the vital role of the Green/ Duwamish
 16 river systems to central Puget Sound ecosystems, and Soundkeeper’s close connections with
 17 Duwamish Valley community members.

21 3. I am concerned that Pacific Pile’s Clean Water Act violations and its polluted
 22 discharges to the Duwamish River undermine Soundkeeper’s efforts to protect and preserve
 23 these waters. I worry that Pacific Pile’s polluted discharges pollute the Duwamish to a degree
 24 that could overwhelm this already impaired waterbody. The fact that Pacific Pile’s pollution has
 25 gone unabated for so long and the magnitude of their pollutant levels distress me. I also worry
 26 that because of Pacific Pile’s violations, citizens will conclude that any efforts they make to
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1 improve the Duwamish River's water quality will be worthless, leading those citizens to abandon
2 plans to help the watershed, further harming the river. This in turn harms Soundkeeper's efforts
3 to recruit members and the public in support of its mission to enforce the CWA to stop illegal
4 pollution.

5 4. In addition to patrolling the water, Soundkeeper regularly reviews discharge
6 monitoring reports (DMRs) submitted by polluters to the Washington Department of Ecology
7 (Ecology) to assist Soundkeeper in tracking down and stopping illegal pollution. Ecology
8 maintains those public records and makes them available to Soundkeeper for inspection and
9 copying. Ecology also makes permit-related records available in an online database, accessible
10 by Soundkeeper directly. The online database can be searched by location, permit type, facility
11 name or permit number. Soundkeeper relies on monitoring data to accomplish the organization's
12 mission of better controlling stormwater pollution to Puget Sound. Soundkeeper often uses
13 permit-related records to highlight the biggest threats to Puget Sound and its tributaries. The
14 information in those records informs our understanding of the magnitude of threats to Puget
15 Sound and leads us to take certain actions in light of that understanding. Soundkeeper also
16 disseminates this information to educate decision makers and the public, including through
17 public testimony, volunteer training, and in our publications including newsletters, press
18 releases, a blog, and regular social media posts. When Soundkeeper does not have access to
19 accurate representative stormwater monitoring data, we are deprived of information we need to
20 prioritize our projects and advocacy, and convey the urgency of projects to remedy stormwater
21 pollution to decision makers and Soundkeeper's supporters. When dischargers like Pacific Pile &
22 Marine fail to collect appropriate samples and report the results on DMRs as required by law, it
23 frustrates Soundkeeper's ability to identify the sources of pollutants in a given area and to
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1 efficiently allocate its limited enforcement and advocacy resources to reduce polluted discharges
2 to the Sound. Furthermore, Soundkeeper and its members, and the public, are deprived of
3 information they could use to better plan for the restoration and protection of receiving waters.
4 Soundkeeper would use that information to help accomplish its organizational goals, but because
5 of Pacific Pile's violations, it is unable to do so, harming Soundkeeper.
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7 5. Amy Horn and Joshua Gurnee were both active members on the date Puget
8 Soundkeeper filed its Complaint against Pacific Pile.
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10 I declare under penalty of perjury under the laws of the United States of America that the
11 foregoing is true and correct.
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14 Executed this 10th day of August, 2023.
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